

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JUSTIN ESPINOZA,

Plaintiff,

v.

CIV 15-0211 KG/KBM

DEPARTMENT OF CORRECTIONS, et. al.,

Defendants.

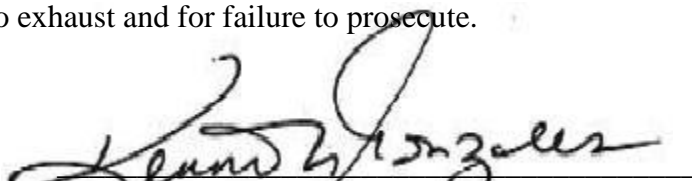
**ORDER ADOPTING MAGISTRATE JUDGE'S PF&RD  
AND DISMISSING CASE WITHOUT PREJUDICE**

On May 17, 2016, the Court entered a Proposed Findings and Recommended Disposition ("PF&RD") recommending dismissal of this action without prejudice for failure to meet the exhaustion requirements of the PLRA. *Doc. 24*. The PF&RD gave Plaintiff until June 3, 2016 to file any objections and notified Plaintiff that no appellate review would be permitted if objections were not timely filed. *Id.* at 5.

Because the record indicated that the mailing of the PF&RD to Plaintiff was returned undelivered (*Doc. 25*), and the docket contains no other address for him, the Court issued an Order to Show Cause ("OSC"). That Order noted that it appears Plaintiff has been released from custody or transferred without advising the Court of his new address, as required by D.N.M.LR-Civ 83.6. The June 6, 2016 OSC was also returned as undeliverable. *Doc. 27*.

Plaintiff's failure to comply with the Court's local rules demonstrates a manifest lack of interest in litigating his claims. *See Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962). Therefore, this action will be dismissed without prejudice for failure to exhaust and for failure to prosecute.

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE